

## REMARKS

Claims 23-44 are pending in the application.

### Advisory Action

In the Advisory Action dated August 25, 2009, the Examiner advised that Applicants request for reconsideration has been considered but does not place the application in condition for allowance. There are two reasons given.

First, the Examiner states that “the specification is not written in clear and definite language, the examiner misinterpreted the disclosure as describing the method in which nitrogen oxides are reduced to ammonia using denitration catalysts. In fact, ammonia is used as a reducing agent which upon reaction with nitrogen oxides yields nitrogen gas. This is not clearly disclosed in the specification except for Figure 3.”

Second, the Examiner states that “the method is obviously based on calculating ratio of ammonia and nitrogen oxides at the input and output of each catalyst. The examiner failed to find a disclosure of sensors which would be placed at each input and output of each catalyst.”

The Examiner then requests that the Applicants “indicate where these sensors are disclosed and/or shown on the drawings.”

The Examiner also asserts that “the claims are silent, as to how the amounts of ammonia and nitrogen oxides are separately but simultaneously measured at the input of each catalyst in order to determine their ratio.”

### Applicants’ Reply

As a preliminary matter, Applicants wish to express their appreciation for the Examiner’s offer to conduct an interview so that the foregoing matters can be discussed. However, Applicants prefer to address these issues at this time in writing, as it is believed to offer the most economical approach as to time and cost. Applicants believe that, on the basis of the following explanation, the rejections are overcome and the application in condition for allowance.

As a further preliminary matter, Applicants respectfully note that the final Office Action raised the issues under 35 U.S.C. § 112 for the first time, yet the Office Action was made **final**. Applicants respectfully suggest that, in fairness, the Examiner’s efforts to consider and resolve

the outstanding issues without the need to file an RCE would be appropriate in light of the Director's encouragement of compact prosecution and Examiner initiatives to reach a definition of allowable subject matter without unnecessary RCE's.

In addition, Applicants note that there appears to be confusion as to the claims under examination and under rejection. The Office Action rejected claims 23-38 and 43, and those claims were amended and an effort made to modify all of the claims so that they all would be focused on the same invention. The Examiner's statement in the Advisory Action is that claims 23-44 are rejected. Applicants again respectfully suggest that the Examiner's efforts to clarify this issue and, in fairness, consider all of the claims on the basis of the following comments without the need to file an RCE would be appropriate and greatly appreciated.

Location of Sensors?

Please see the gas extracting units 305A to 305E, the NO<sub>x</sub> concentration measuring units 306A to 306E, and the NH<sub>3</sub> concentration measuring units 307A to 307E in FIG. 3.

Measurements by Known Methods

The Examiner asks "how the amounts of ammonia and nitrogen oxides are separately but simultaneously measured?" The specification of the present application describes methods for measuring NO<sub>x</sub> and NH<sub>3</sub> on page 20, line 6 to page 21, line 1, stating,

*"the NO<sub>x</sub> measurement results obtained by an already disposed online chemiluminescent analyzer or the like"*

and

*"as for NH<sub>3</sub>, measurement data obtained by*

*a device that oxidizes NH<sub>3</sub> (ammonia) into NO and that measures the converted NO by chemiluminescence or the like using an indirect measuring method,*

*a device using an infrared or ultraviolet absorption method that is a direct measuring method for directly measuring gaseous ammonia,*

*a device using a measurement method in conformity to JIS for directly measuring gaseous ammonia or ammonia adhering to dust, an automatic analyzer in conformity to JIS".*

As is clear to one skilled in the art, the NO<sub>x</sub> and NH<sub>3</sub> components are measured with known methods.

Applicant does not believe that claims have to list known methods. Mixed gases could be measured without technical difficulty at the time the invention was made.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

*/Alan J. Kasper/*

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 18, 2009

---

Alan J. Kasper  
Registration No. 25,426